

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 3, 1952
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Drake presiding.

Roll Call:

Present: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Absent: None

Present also: W. E. Seaholm, City Manager; W. T. Williams, Jr., City Attorney; C. G. Levander, Director of Public Works; R. D. Thorp, Chief of Police.

Councilman Johnson moved that the minutes of the previous meeting be approved. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

MR. M. H. CROCKETT asked if the Council could be discretionary and grant him permission to vary from the 25' setback on Lamar, as he had two pieces of property north of 39th on Lamar which were wide enough for a building, but not deep enough if the 25 foot set-back were provided. He was advised to check with the Zoning Board of Adjustment to see if he could get a variation on this property. MR. CROCKETT wanted to use some property just north of this on Lamar and 39th for a used-car lot, and wanted to top the property from the curb back 70 feet; but his contractor advised him he could not do this from the curb back, as an ordinance prohibited it. Mr. Crockett had noted other places had fixed their lots up this way, and he wanted permission to tarviate his lot on over the sidewalk space. The City Attorney explained the ordinance regarding the construction of sidewalks, and stated if the requirements were complied with, Mr. Crockett could proceed with his plans. The City Manager advised him to submit his plans. Mr.

Crockett then asked about the sewage plans for the south part of town, just east of Congress Avenue. His Riverside Tourist Court has had a bad sewage condition, and he asked if the sewer line that was underway would ever be finished. It was now depending on an easement, and he was advised the line would be completed this year.

MRS. MINNIE BULIAN, Bee Cave Road, claimed the City was indebted to her for her part of a private electric line constructed in the early 1930's; and for a refund on a meter which she could not collect as the City claimed she owed for services for lights. She also claimed damages to her property when the City took gravel from her property, for which she was paid a stipulated amount. She owes back school district taxes amounting to \$534.86. The City Manager explained she had asked him to reduce the penalty and interest. The City Manager was asked to investigate the whole matter and give a report on it the following Thursday.

The Mayor introduced the following ordinance:

AN ORDINANCE TO PREVENT THE ESCAPING, SPILLING, DROPPING, OR DISCHARGING OF LOOSE MATTER AND MATERIAL, SUBSTANCE OR OBJECTS FROM VEHICLES OR MOTOR VEHICLES BEING DRIVEN UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; REPEALING A CERTAIN ORDINANCE AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PRESCRIBING PENALTIES; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman MacCorkle moved that the ordinance be passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman Johnson offered the suggestion that since the Government Housing project in South Austin is nearing completion, and the City Housing project on Barton Springs Road on the Butler track is no longer needed, and that some of them are badly in need of repairs and several are empty, that the City abandon them by the 1st of July 1952, and be ready to offer them for sale and reclaim all of the pipe line and get out of the Housing Business. Councilman Long asked that a complete study be made to determine what the status is. The City Manager reported that a revenue figure for 1952 had been included in the Budget. Councilman Long moved that the City Manager be instructed to study the housing project and give the Council the percentage of use, and the revenue to the City. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman White stated he would like to see the project discontinued as soon as possible, after the figures and recommendation are received by the Council.

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, J. M. ODOM is the Contractor for the erection of a building located at 115-23 West 6th Street and desires a portion of the sidewalk and street space abutting the west 100 feet of Lots 7, 8 and 9, Block 55, of the Original City of Austin, Travis County, Texas, during the erection of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said J. M. Odom, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northeast corner of the above described property; thence in a northerly direction and at right angles to the centerline of West 6th Street to a point 12 feet north of the south curb line; thence in a westerly direction and parallel with the centerline of West 6th Street approximately 100 feet to a point; thence in a southerly direction and at right angles to the centerline of West 6th Street to the northwest corner of the above described property;

Thence in a westerly direction and at right angles to the centerline of Colorado Street to a point 12 feet west of the east curb line; thence in a southerly direction and parallel with the centerline of Colorado Street approximately 138 feet to a point; thence in an easterly direction and at right angles to the centerline of Colorado Street to the southwest corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said J. M. Odom, hereinafter termed "Contractor", upon the following express terms and conditions:

(1). That the Contractor shall erect and maintain continuously in good condition during the use of said space hereby allotted, a substantial walkway at least 4 feet wide in the clear on the inside and at least 8 feet high, the same to be covered solidly on the street side with boards to a height of 4 feet above pavement and on the building side to be covered solidly with boards to a height of 8 feet. The top of the walkway shall be covered solidly with boards at least 2 inches thick, which shall be supported at intervals sufficiently close to prevent sagging of the roofing boards. The roof of said walkway shall be covered with a roofing material which will prevent leaking of the roof and provide a dry walkway at all times. No wood strips or obstructions of any kind shall be permitted along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That "NO PARKING" signs shall be placed on the street side of the barricades.

(5) That the Contractor is permitted to construct a temporary work office within such allotted working space, provided such work office is not within 25 feet of any corner street intersection.

(6) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(7) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(8) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(9) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than August 1, 1952.

(10) That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(11) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(12) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property

and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman White offered a suggestion regarding the Municipal Activity Digest, in that information about the parking meters be included. Councilman MacCorkle asked if the Digest could be gotten out earlier, so that the information would be more current.

Councilman MacCorkle moved that District Chief EUGENE SAPPINGTON be appointed on the Fire Extinguisher Committee, replacing Captain Leffingwell, who resigned. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

There being no further business, the Council adjourned subject to the call of the Mayor.

APPROVED: _____

Mayor

ATTEST:

Elaine Hossley
City Clerk